

IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

TERESA M. SMITH,

Plaintiff,

v.

Case No.: 1:16-cv-958

HONSTEIN OIL & DISTRIBUTING, LLC

Defendant.

NOTICE OF REMOVAL

Defendant Honstein Oil and Distributing, LLC (hereinafter "Honstein"), by and through its counsel of record, CHAPMAN AND CHARLEBOIS, P.C. (Nicole M. Charlebois and Jessica C. Singer) hereby files this Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, and in support thereof, states as follows:

1. Plaintiff Teresa M. Smith ("Plaintiff") filed her First Amended Complaint for Negligence and Personal Injury ("Complaint") in the First Judicial District, Bernalillo County, State of New Mexico, in Cause No. D-101-CV-2016-01340 (hereinafter "State Court Action") on July 29, 2016. (See Plaintiff's Complaint, attached hereto as Exhibit A).

2. In her Complaint, Plaintiff alleges she was a resident of the State of Nevada at the time of the collision. (*Id.* at ¶ 1).

3. Plaintiff named Defendant Honstein, as the only Defendant in Plaintiff's Complaint.

4. Defendant asserts Honstein is a Limited Liability Corporation and is a registered business in the state of Idaho.

5. Diversity of citizenship is present in this matter as set forth in 28 U.S.C. § 1332(a) and 28 U.S.C. § 1441(b)(2).

6. Honstein accepted service on July 28, 2016. (See Exhibit B).

7. Less than thirty (30) days have passed since Honstein accepted service of the initial pleadings on this matter.

8. As Honstein has accepted service and is the only defendant served in this matter, 28 U.S.C. § 1446(b)(2)(A) is satisfied. (See Register of Actions for the State Court Action, hereto attached as Exhibit C).

9. Pursuant to Plaintiff's allegations, the amount in controversy exceeds \$75,000, as set forth in 28 U.S.C. §§ 1441(b)(2).

10. Pursuant to the attached documentation from Plaintiff's counsel, dated March 22, 2016, the amount in controversy exceeds the jurisdictional amount of \$75,000. See also, *Hanna v. Miller*, 163 F.Supp. 2d 1302, 1305-06 (D.N.M. 2001). (See Demand letter from Plaintiff counsel dated March 22, 2016, hereto attached as Exhibit D.)

11. This case may be removed to this Court by Honstein pursuant to the provisions of 28 U.S.C. §§ 1441(b) and 1446.

12. By and through this Notice of Removal, Honstein removes all claims asserted against it on the basis of diversity jurisdiction, which is conferred upon this Court pursuant to 28 U.S.C. §§ 1332 and 1441.

13. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal is being concurrently served upon the Plaintiff on this date.

14. Pursuant to 28 U.S.C. § 1446(d), Honstein is concurrently filing a Notice of Filing of Removal in the State Court Action, a copy of which is hereto attached as Exhibit E.

15. In addition to the Notice of Filing Notice of Removal in the State Court Action, Honstein is concurrently filing an Entry of Appearance in the State Court Action on this date, a copy of which is hereto attached as Exhibit F.

16. Pursuant to 28 U.S.C. § 1446(a) and D.N.M.LR-Civ. 81.1(a), all process, pleadings, and orders from the State Court Action will be filed with this Court in a separate Transmittal of State Court Record within twenty-eight days (28) of this Notice.

17. A Civil Cover Sheet for this Court is hereto attached as Exhibit G.

WHEREFORE, the removing Defendant gives notice the above-styled action, which was pending in the First Judicial District, Bernalillo County, State of New Mexico, as Cause No. D-101-CV-2016-01340 is removed to this Court.

Respectfully submitted,

CHAPMAN AND CHARLEBOIS, P.C.

/s/Jessica C. Singer

Nicole M. Charlebois

Jessica C. Singer

P.O. Box 92438

Albuquerque, NM 87199

505-242-6000

nicole@cclawnm.com

jessica@cclawnm.com

Attorneys for Defendant

I HEREBY CERTIFY that on the 25th day of August, 2016, I filed the foregoing electronically through CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Margaret M. Branch
Kedar Bhasker
BRANCH LAW FIRM
2025 Rio Grande Blvd., NW
Albuquerque, NM 87104
(505) 243-3500
(505) 243-3534 fax
mbranch@branchlawfirm.com
kbhasker@branchlawfirm.com
Attorneys for Plaintiff

/s/Jessica C. Singer
Jessica C. Singer

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT**

TERESA M. SMITH,

Plaintiff,

vs.

No. D-0101-CV-2016-01340

HONSTEIN OIL & DISTRIBUTING, LLC,

Defendant.

**FIRST AMENDED
COMPLAINT FOR NEGLIGENCE AND PERSONAL INJURIES**

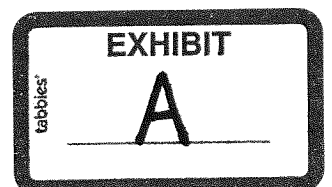
Plaintiff Teresa M. Smith, by and through her attorneys of record, the BRANCH LAW FIRM (Turner W. Branch, Margaret Moses Branch, and Kedar Bhasker) and files this First Amended Complaint for Negligence and Personal Injuries, and for her causes of action, states the following:

PARTIES AND VENUE

1. Teresa M. Smith (hereinafter referred to as "Plaintiff") is a resident of Las Vegas, Clark County, State of Nevada.

2. Honstein Oil & Distributing, LLC (hereinafter referred to as "Defendant"), at all relevant times at the time suit was commenced, is a New Mexico corporation with a principal place of business at 11 Paseo Real, Santa Fe, NM 87507.

3. At all relevant times, the claims for relief and allegations against Defendant occurred at a Phillips 66 located at 1201 W. Santa Fe Ave., City of Grants, County of Cibola, State of New Mexico. As owner of the Phillips 66, Defendant is responsible for the maintenance, care, and control of the parking lot and gas station area of this Phillips 66 to ensure



to the public that the property be free from any dangerous conditions, and to further ensure that Defendant's property is maintained for the safety and well-being of the general public.

4. All acts complained of herein occurred in the City of Grants, County of Cibola, State of New Mexico.

5. Jurisdiction and venue are proper with this Court pursuant to N.M.S.A. §38-3-1.

COUNT ONE – NEGLIGENCE

6. Plaintiff hereby incorporates paragraphs 1 through 6 as if fully set forth herein.

7. On or about February 23, 2015, while helping her friend move, Plaintiff was traveling through New Mexico when they stopped for gas in Grants, New Mexico at the Phillips 66 Gas Station, owned and operated by Defendant. While waiting for her friend to fill the vehicle with gas, Plaintiff exited the vehicle to walk her dog. When returning to the vehicle, Ms. Smith tripped on an environmental well fill cover that was not flush with the ground. The well cover was dangerous and violated the appropriate code regulations.

8. As a result of Plaintiff tripping and falling, she sustained serious injuries which caused her to be transported by ambulance to the Cibola General Hospital Emergency Room.

9. At Cibola General Hospital, x-rays were taken of Plaintiff's left shoulder. The radiology interpretation and diagnosis was humeral head fracture. Plaintiff's left elbow was splinted and an arm sling was applied. She was given pain medications and instructed to seek treatment from an orthopaedic specialist upon her return home to Las Vegas, Nevada.

10. Defendant owed a duty to keep safe from and warn the Plaintiff of any and all dangerous conditions.

11. Defendant was negligent in failing to keep the premises in a safe condition causing Plaintiff's fall.

12. Defendant should have known that the protruding and unmarked well fill cover was a potential danger to visitors and customers, but Defendant did nothing to correct the dangerous condition, or alternatively, warn Plaintiff of the dangerous condition in the parking lot of the Phillips 66.

13. As a further direct and proximate result of the negligence and/or otherwise unlawful acts or omissions of Defendant, as alleged above, Plaintiff sustained serious and painful injuries and, as a result thereof, suffered special and consequential damages for which Defendant is liable, including, but not necessarily limited to reasonable compensation for pain and suffering, emotional distress, loss of enjoyment of life, loss of domestic services, reasonable and necessary past and future health care expenses and other losses.

14. As a proximate result of the direct or vicarious negligence of Defendant, Plaintiff sustained serious personal injuries for which she has obtained and will continue to need medical care and services.

15. Plaintiff is entitled to recover damages from Defendant for past and future medical expenses, pain and suffering, permanent injuries, loss of enjoyment of life, hedonic and other damages as may be proven before the trier of fact.

COUNT TWO – NEGLIGENCE PER SE

16. Plaintiff hereby incorporates paragraphs 1 through 16 as if fully set forth herein.

17. At the time of the aforementioned collision, there were in force and effect certain International Code Council and American Nation Standards Institute (ICC/ANSI) that were violated by Defendant including, but not limited to, the following:

- a. ICC/ANSI A117.1, 303.3; and
- b. ICC/ANSI A117.1, 403.4.

18. Plaintiff was in the class of persons intended to be protected by the above laws, as contemplated by the New Mexico legislature.

19. Defendant owed a duty to Plaintiff to exercise reasonable care while maintaining the premises and to obey the laws.

20. Defendant breached its duty of care owed to the Plaintiff and as a direct and proximate result of the negligence, negligence per se and omissions of Defendant, Plaintiff suffered serious physical injuries and pain which have required medical treatment and treatment in the future.

21. As a direct and proximate result of the aforementioned negligence and/or omissions of the Defendant, the Plaintiff also experienced pain and suffering in an amount not presently determinable, but to be proven at trial.

AD DAMNUM
PUNITIVE DAMAGES

22. Plaintiff hereby incorporates paragraphs 1 through 22 as if fully set forth herein.

23. The acts and omissions complained of in the cause of action stated above is, upon information and belief, believed to be of such an egregious nature, in reckless, wanton and total disregard to the rights of Plaintiff, that in addition to actual damages ascertained and demonstrated by a preponderance of the evidence, that punitive damages or exemplary damages to punish and deter this type of act and omission from occurring in the future may well be appropriate.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that Judgment be entered in her favor and against Defendant in an amount to be proven at the time of trial for all of her damages, compensatory and other, including but not limited to pain and suffering, nature, extent, and duration, medical

expenses, loss of enjoyment of life, or hedonic damages, punitive damages, for costs associated with the bringing of this cause of action, for pre-judgment interest and post-judgment interest, and for such other further relief as the Court deems just and proper.

Dated this 29th day of July, 2016.

Respectfully submitted,

BRANCH LAW FIRM

By: Kedar Bhasker

Turner W. Branch, Esq.

Margaret M. Branch, Esq.

Kedar Bhasker, Esq.

2025 Rio Grande Blvd., NW

Albuquerque, NM 87104

Telephone: (505) 243-3500

Facsimile: (505) 243-3534

tbranch@branchlawfirm.com

mbranch@branchlawfirm.com

kbhasker@branchlawfirm.com

Attorneys for Plaintiff

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT

TERESA M. SMITH,

Plaintiff,

v.

Cause No. D-101-CV-2016-01340

HONSTEIN OIL & DISTRIBUTING, LLC,

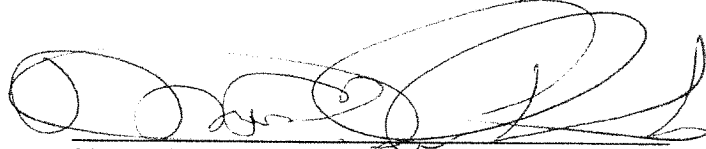
Defendants.

ACCEPTANCE OF SERVICE

Chapman and Charlebois, P.C. (Nicole M. Charlebois and Jessica C. Singer), hereby accepts service of Plaintiff's First Amended Complaint for Negligence and Personal Injuries in this matter on behalf of Defendant Honstein Oil & Distributing, LLC as of the 28th day of July, 2016.

Respectfully submitted

CHAPMAN AND CHARLEBOIS, P.C.



Nicole M. Charlebois

Jessica C. Singer

PO Box 92438

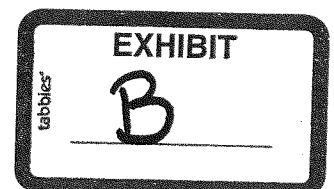
Albuquerque, NM 87199

Telephone: (505) 242-6000

nicole@cclawnm.com


jessica@cclawnm.com

*Attorneys for Defendant Honstein Oil and
Distributing*



I HEREBY CERTIFY the foregoing was served
on the following counsel of record via the
Odyssey file & Serve system and on this
22nd day of August, 2016:

Turner W. Branch
Margaret M. Branch
Kedar Bhasker
Branch Law Firm
2025 Rio Grande Blvd. NW
Albuquerque, NM 87104
505-243-3500
tbranch@branchlawfirm.com
mbranch@branchlawfirm.com
kbhasker@branchlawfirm.com
Attorneys for Plaintiff



Nicole M. Charlebois

[Skip to Main Content](#) [Logout](#) [My Account](#) [Search Menu](#) [New Civil Probate Family Search](#) [Refine Search](#) [Back](#)
Location : Santa Fe County [Images](#) [Help](#)**REGISTER OF ACTIONS**CASE NO. D-101-CV-2016-01340

Teresa M. Smith v. Honstein Oil Company, et al.

§
§
§
§
§
§
Case Type: **Tort**
Date Filed: **05/31/2016**
Location: **Santa Fe County**
Judicial Officer: **Singleton, Sarah**
PARTY INFORMATION

Defendant	HONSTEIN OIL & DISTRUBUTING, LLC	Attorneys Nicole Marie Charlebois <i>Retained</i> 505-242-6000(W)
Defendant	Honstein Oil Company	
Defendant	Honstein Resources LLC	
Plaintiff	Smith, Teresa M	Kedar Bhasker <i>Retained</i> 505-243-3500(W)
		Margaret Moses Branch <i>Retained</i> 505-243-3501(W)
		Turner W. Branch <i>Retained</i> 505-243-3501(W)

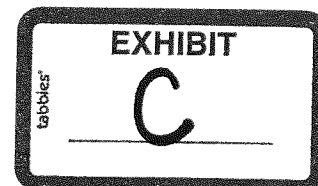
EVENTS & ORDERS OF THE COURT

	OTHER EVENTS AND HEARINGS	
05/31/2016	Cause Of Actions	Tort: Personal Injury Non Auto (Count One - Negligence)
	Action Type	Action
05/31/2016	Cause Of Actions	Tort: Personal Injury Non Auto (Count Two - Negligence Per Se)
	Action Type	Action
05/31/2016	Cause Of Actions	Tort: Personal Injury Non Auto (Ad Damnum Punitive Damages (against all defendants))
	Action Type	Action
05/31/2016	<u>OPN: COMPLAINT</u> <i>Complaint for Negligence and Personal Injuries</i>	
05/31/2016	<u>JURY DEMAND 6 PERSON</u> <i>Jury Demand</i>	
05/31/2016	<u>SUMMONS ISSUED</u> <i>Summons - Honstein Oil Company</i>	
05/31/2016	<u>SUMMONS ISSUED</u> <i>Summons - Honstein Resources, LLC</i>	
07/29/2016	<u>AMENDED COMPLAINT</u> <i>Amended Complaint for Negligence and Personal Injuries</i>	
08/02/2016	<u>ACCEPTANCE OF SERVICE</u> <i>Acceptance of Service</i>	
08/02/2016	<u>WAIVER</u> <i>Waiver - Service - Honstein Oil</i>	
08/02/2016	<u>CERTIFICATE OF SERVICE</u> <i>Certificate of Service</i>	

FINANCIAL INFORMATION

	Plaintiff Smith, Teresa M	
	Total Financial Assessment	282.00
	Total Payments and Credits	282.00
	Balance Due as of 08/15/2016	0.00
06/01/2016	Transaction Assessment	282.00
06/01/2016	File & Serve Payment Receipt # SFED-2016-5652	(282.00)

Smith, Teresa M.



McIntosh, Meaghan

From: Kedar Bhasker <kbhasker@branchlawfirm.com>
Sent: Tuesday, March 22, 2016 11:08 AM
To: McIntosh, Meaghan
Cc: Kathy Smith
Subject: Teresa Smith
Attachments: CME TERESA SMITH 031516.pdf

Meaghan,

Attached please find the report of Dr. James Anthony regarding the injury sustained by Mrs. Teresa Smith.

At this time, Teresa Smith is prepared to settle this claim and forgo litigation for the amount of \$150,000.00.

Thank you for your attention to this matter and please do not hesitate to contact me with any questions or concerns.

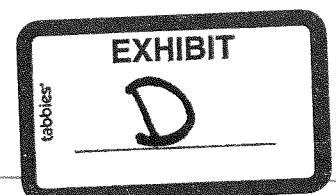


BRANCH LAW FIRM

ATTORNEYS AT LAW

Kedar Bhasker
2025 Rio Grande Blvd. NW
Albuquerque, NM 87104
505.243.3500 (o) / 505.923.4158 (d)
505.243.3534 (f)
www.branchlawfirm.com

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STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

TERESA M. SMITH

Plaintiff,

v.

Case No. D-101-CV-2016-01340

HONSTEIN OIL & DISTRIBUTING, LLC,

Defendant.

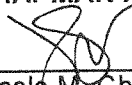
NOTICE OF FILING OF REMOVAL

PLEASE TAKE NOTICE that Defendant Honstein Oil & Distributing, LLC, by and through its counsel of record, Chapman and Charlebois, P.C., (Nicole M. Charlebois and Jessica C. Singer), has filed a Notice of Removal in the United States District Court for the District of New Mexico. A true and correct copy of the Notice of Removal, attached to this Notice as Exhibit "1" was emailed to:

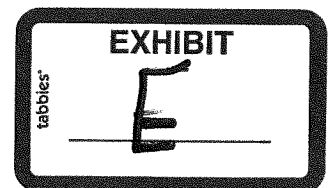
Margaret M. Branch
Kedar Bhasker
BRANCH LAW FIRM
2025 Rio Grande Blvd., NW
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(505) 243-3500
mbranch@branchlawfirm.com
kbhasker@branchlawfirm.com
Attorneys for Plaintiff

Respectfully submitted,

CHAPMAN AND CHARLEBOIS, P.C.

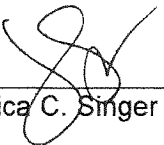


Nicole M. Charlebois
Jessica C. Singer
P.O. Box 92438
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505-242-6000
nicole@cclawnm.com
jessica@cclawnm.com
Attorneys for Defendant



I HEREBY CERTIFY that on the 25th day of August, 2016, I filed the foregoing electronically through Odyssey File & Service, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Turner W. Branch
Margaret M. Branch
Kedar Bhasker
BRANCH LAW FIRM
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kbhasker@branchlawfirm.com
Attorneys for Plaintiff



Jessica C. Singer

STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

TERESA M. SMITH

Plaintiff,

v.

Case No. D-101-CV-2016-01340

HONSTEIN OIL & DISTRIBUTING, LLC,

Defendant.

ENTRY OF APPEARANCE

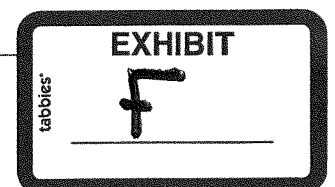
Chapman and Charlebois, P.C., (Nicole M. Charlebois and Jessica C. Singer),
hereby enter their appearance on behalf of Defendant Honstein Oil & Distributing, LLC.
Copies of all documents pertaining to litigation in this matter should be sent to the
undersigned attorneys.

Respectfully submitted,

CHAPMAN AND CHARLEBOIS, P.C.

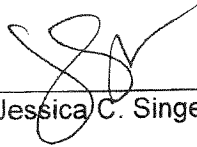


Nicole M. Charlebois
Jessica C. Singer
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505-242-6000
nicole@cclawnm.com
jessica@cclawnm.com
Attorneys for Defendant



I HEREBY CERTIFY that on the 25th day of August, 2016, I filed the foregoing electronically through Odyssey File & Service, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Margaret M. Branch
Kedar Bhasker
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2025 Rio Grande Blvd., NW
Albuquerque, NM 87104
(505) 243-3500
(505) 243-3534 fax
mbranch@branchlawfirm.com
kbhasker@branchlawfirm.com
Attorneys for Plaintiff



Jessica C. Singer

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

TERESA M. SMITH

(b) County of Residence of First Listed Plaintiff Clark County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Branch Law Firm
2025 Rio Grande Blvd., NW
Albuquerque, NM 87104; 505-243-3500

DEFENDANTS

HONSTEIN OIL & DISTRIBUTING, LLC

County of Residence of First Listed Defendant Bonneville County, Idaho
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Chapman and Charlebois, PC
4100 Osuna NE, Suite 2-203
Albuquerque, NM 87109; 505-242-6000

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. Sec. 1332, 1441(b), 1446 and 1446(b)(2)(A)
 Brief description of cause:
Personal Injury

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE

